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AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TETRIS HOLDING, LLC and THE TETRIS
COMPANY, LLC,

Plaintiffs,

- against -

XIO INTERACTIVE INC.,

Defendant.

Case No. 3:09-cv-6115 (FLW) (DEA)

Hon. Freda L. Wolfson, U.S.D.J.

Hon. Douglas E. Arpert, U.S.M.J.

~~PROPOSED~~

ORDER OF DISMISSAL

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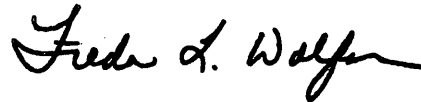
It appearing that, on May 30, 2012, the Court entered an Order (Dkt. No. 62) granting the motion of plaintiffs Tetris Holding, LLC and The Tetris Company, LLC ("TTC") for summary judgment on Count One (Copyright Infringement) and Count Two (Unfair Competition, False Endorsement and False Designation of Origin) of the First Amended Complaint, and denying the motion for summary judgment of defendant Xio Interactive, Inc. ("Xio"); and it further having been reported to the Court that TTC and Xio are in negotiations regarding a Consent Order and Permanent Injunction to specify the agreed upon terms of any injunctive relief to be imposed on Xio by this Court and to resolve the remaining claims and defenses asserted in the above-entitled action; and it further having been represented by the parties that they will require an additional 60 days in which to submit the proposed Consent Order and Permanent Injunction to the Court, if agreement can be reached as to its terms; and for good cause shown;

IT IS on this 31st day of July, 2012;

ORDERED THAT:

(1) This action is hereby **DISMISSED**, without costs or attorney's fees, but without prejudice to the right of a party, within 60 days of the date hereof, to file a motion and demonstrate good cause to reopen this action if the aforementioned Consent Order and Permanent Injunction is not filed with the Court prior to the expiration of the 60 day period; and

(2) If the parties jointly submit a proposed Consent Order and Permanent Injunction within the 60-day period or any party shall move to set aside this Order of Dismissal, as provided in the first paragraph or pursuant to the provisions of Fed. R. Civ. P. 60(b), in considering such submission or deciding such motion the Court retains jurisdiction of the matter to the extent necessary to enter and enforce the terms and conditions of any Consent Order entered into between the parties.



Hon. Freda L. Wolfson
United States District Judge